

Filed for intro on 02/24/97
HOUSE BILL 1419 By
Brown

SENATE BILL 1741
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 68, relative to patient safety, and to enact "The Patient Safety Act of 1997".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is and may be cited as "The Patient Safety Act of 1997".

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) The department of health shall promulgate, in collaboration with the board for licensing health care facilities, rules and regulations to assure that every patient or resident of any health care facility licensed by the board shall, during admission to the facility, receives appropriate and sufficient nursing care to insure the safety of the patient or resident. Further the department, in collaboration with the board for licensing health care facilities, shall promulgate rules to require each such health care facility to implement a plan of nursing care based on applicable professionally recognized standards of nursing practice. The plan shall be reviewed by the board when issuing or renewing the license of the health care facility. In developing such rules and regulations, the department shall seek the advice of the board of nursing.

(b) Such rules and regulations shall require:

(1) A registered nurse to be designated by the facility to be responsible for the overall quality assurance for nursing care provided at the facility;

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(2) A registered nurse to be designated by the facility at all times during a patient's or resident's admission to be responsible for the direct nursing care of the patient or resident;

Such rules shall further include, but not be limited to:

(1) Nursing service staffing standards and requirements for all patient or resident care areas to be based on the patient's or resident's acuity level, functional capacities and applicable professionally recognized standards of nursing practice;

(2) Mandated nursing quality assurance programs;

(3) Mandated educational and experience requirements for nursing staff positions;

(4) Annual evaluations of all nursing staff;

(5) Mandated orientation and inservice education programs for all nursing staff; and

(6) Penalties for violations which shall subject the facility to revocation of licensure or registration or by a fine of not more than twenty-five thousand dollars (\$25,000.00), or both. Each day the violation occurs is a separate violation.

(c) The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5 and are to be enforced by the department. The department is authorized to coordinate its enforcement-related activities with the board for licensing health care facilities. Provided, however, before such rules are promulgated, the commissioner shall submit the proposed rules to the house health and human resources committee, and the senate, general welfare, health and human resources committee for the review and comments of the members of such committees.

SECTION 3. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 1998.